

that they may receive tickets, have been ticketed, or will be ticketed by the city of Pagedale.”

Complaint ¶ 85.

3. As fully set forth in the accompanying Memorandum of Law in Support of Plaintiffs’ Motion for Preliminary Approval of Consent Decree and for Entry of an Order for Notice and Hearing (“Memorandum”), the parties have negotiated a consent decree (the “Consent Decree”) that, if entered, would resolve this case and provide significant benefits to the proposed class. It would provide meaningful procedural protections for defendants in the City’s municipal court and would reform the City’s municipal code. It would also foreclose further litigation expenses for the City and Plaintiffs.

4. Plaintiffs satisfy the requirements for certification of the class for settlement purposes under Rule 23. Specifically, Plaintiffs satisfy the requirements of Rule 23(a) for the following reasons.

5. Plaintiffs satisfy the numerosity requirement of Rule 23(a)(1) because the City has issued thousands of tickets to individuals since January 1, 2010, and warned a substantial number of people that they may be ticketed.

6. Plaintiffs satisfy the commonality requirement of Rule 23(a)(2) because the Complaint alleges that members of the proposed class have all suffered the same injury and this injury was caused by the City.

7. Plaintiffs satisfy the typicality requirement of Rule 23(a)(3) because Plaintiffs have the same interests and seek the same remedies as other class members, namely, declaratory and injunctive relief.

8. Plaintiffs satisfy the adequacy requirements of Rule 23(a)(4) because they and

their counsel are willing and competent to pursue this litigation and because the named plaintiffs' interests are not antagonistic to the interests of others in the proposed class.

9. Plaintiffs satisfy Rule 23(b)(2) because they represent a cohesive class that seeks declaratory and injunctive relief.

10. Plaintiffs meet the standards for preliminary approval of the Consent Decree under Rule 23(e) because the Consent Decree is fair, reasonable, and adequate.

11. The Consent Decree provides the class with substantial immediate benefits. The class may not achieve a similar level of success if the case proceeds on the merits. Even if Plaintiffs were successful at the end of litigation, moreover, these benefits would be years away.

11. The Consent Decree will not cause undue financial harm to the City because it does not award any money damages or attorneys' fees.

12. The Consent Decree will foreclose expensive, complex, and time-consuming litigation and save the resources of Plaintiffs, the City, and this Court.

13. The Consent Decree represents extensive arms-length negotiations between the parties. There is no evidence of collusion or uninformed decision-making and the Consent Decree is not unduly favorable to the named plaintiffs or their lawyers.

14. The Consent Decree also provides for notice to class members that is both constitutionally sufficient and compliant with Rule 23.

15. Accordingly, Plaintiffs respectfully request that this Court enter an order that does the following:

- a. certifies Plaintiffs' proposed class as a settlement class;
- b. appoints the Institute for Justice and Bryan Cave LLP as class counsel;

c. schedules a hearing for consideration of this motion for 1:30 p.m.,
February 2, 2018;

d. schedules a final approval hearing at least ninety (90) days from the date
this Court enters an order granting preliminary approval of the Consent Decree;
and

e. directs that notice be provided to members of the class substantially in the
form of Exhibit B to the Consent Decree and by the means described in the
Memorandum.

WHEREFORE, for these reasons and those set forth in the Memorandum, Plaintiffs
respectfully request that this Court grant this motion.

DATED this 11th day of January, 2018.

Respectfully submitted,

INSTITUTE FOR JUSTICE

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2018, this ***PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CONSENT DECREE AND FOR ENTRY OF AN ORDER FOR NOTICE AND HEARING*** was electronically served on the below parties using the CM/ECF system of the United States District Court for the Eastern District of Missouri:

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